

In the Indiana Supreme Court

CAUSE NUMBER: 94S00-1003-MS-128

ORDER AMENDING INDIANA JURY RULES



Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Indiana Jury Rules 4, 6 and 26 are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

RULE 4. NOTICE OF SELECTION FOR JURY POOL AND SUMMONS FOR JURY SERVICE

Not later than seven (7) days after the date of the drawing of names from the jury pool, the jury administrator shall mail to each person whose name is drawn a juror qualification form, and notice of the period during which any service may be performed. The judges of the courts of record in the county shall select, by local rule, ~~on~~ one of the following procedures for summoning jurors:

(a) Single tier notice and summons. The jury administrator may send a summons at the same time the jury qualification form and notice is mailed. If so, the jury administrator shall send the jury qualification form and summons to prospective jurors at least six (6) weeks before jury service.

(b) Two tier notice and summons. The jury administrator may send summons at a later time. If the jury administrator sends the jury qualification form and notice first, the jury administrator shall summon prospective jurors at least one (1) week before service.

The summons shall include the following information: directions to court, parking, public transportation, compensation, court policies regarding the use of electronic communication devices (i.e. cell phones, PDAs, smart phones, etc.), attire, meals, and how to obtain auxiliary

aids and services required by the Americans with Disabilities Act. The judge may direct the jury administrator to include a questionnaire to be completed by each prospective juror.

A judge may order prospective jurors to appear upon less notice when, in the course of jury selection, it becomes apparent that additional prospective jurors are required in order to complete jury selection.

A judge may authorize the jury administrator to use technological programs for receiving responses to juror qualification forms or to supplement information provided to jurors in the notice of selection and summons. The judge may authorize automated telephone services or web-based programs which include appropriate verification, such as juror identification numbers, PIN numbers, and passwords. The judge must ensure that jurors who are unable or unwilling to use these technological programs are able to complete the proper forms and receive the above-required information by contacting the jury administrator.

...

RULE 6 EXEMPTION

A person ~~who~~ may claim exemption from jury service only if the person (1) has completed a term of jury service in the twenty-four (24) months preceding the date of the person's summons, or (2) is exempt from jury service pursuant to an exemption expressly provided by statute. ~~may claim exemption from jury service.~~

...

RULE 26. FINAL INSTRUCTIONS

(a) The court shall read appropriate final instructions, which shall include at least the following:

- (1) the applicable burdens of proof;
- (2) the credibility of witnesses; and,
- (3) the manner of weighing the testimony received.

The court shall provide ~~providing~~ each juror with written instructions before the court reads them. Jurors shall retain the written instructions during deliberations. The court may, in its discretion, give some or all final instructions before final arguments, and some or all final instructions after final arguments.

. . .

The amendment to Jury Rule 4 shall take effect in each county upon the exhaustion of that county's supply of summonses on hand on the date of this Order.

The amendments to Jury Rules 6 and 26 shall take effect January 1, 2011.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Public Defender's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this 21st day of September, 2010.

/s/Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana

All Justices concur.